



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART IV

#### THE CROWN COURT

#### **48 Committal for trial on indictment.**

- (1) A magistrates' court committing a person for trial shall specify the place at which he is to be tried, and in selecting that place shall have regard to—
  - (a) the convenience of the defence, the prosecution and the witnesses;
  - (b) the expediting of the trial; and
  - (c) any directions given by the [<sup>F1</sup>Lord Chief Justice] under section 47(2).
- (2) Without prejudice to the preceding provisions of this Act about the distribution of Crown Court business, the Crown Court may give directions or further directions altering the place of any trial on indictment, either by varying the decision of a magistrates' court under subsection (1) or [<sup>F2</sup>by substituting some other place for the place specified in a notice under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 [<sup>F3</sup>or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995](notices of transfer from magistrates' court to Crown Court) or by varying] a previous direction of the Crown Court.
- (3) The defendant or the prosecutor, if dissatisfied with the place of trial as fixed by the magistrates' court [<sup>F4</sup>, as specified in a notice under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 [<sup>F5</sup>or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995] or as fixed] by the Crown Court, may apply to the Crown Court for a direction or further direction varying the place of trial; and the court shall take the matter into consideration and may grant or refuse the application, or give such other direction as the court thinks fit.
- (4) <sup>F6</sup> .....
- (5) The trial of a person committed by a magistrates' court—
  - (a) shall not begin until the expiration of the specified period beginning with the date of his committal [<sup>F7</sup>or of the giving of a notice of transfer under Article

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3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 [<sup>F8</sup>or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995]], except with his consent and the consent of the prosecutor; and

- (b) shall, unless the Crown Court has otherwise ordered, begin not later than the expiration of the specified period beginning with the date of his committal [<sup>F7</sup>or of the giving of a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988][<sup>F9</sup>or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995] (that is to say a period longer than the period specified for the purposes of paragraph (a) above for the proceedings in question).

For the purposes of this subsection—

- (i) “the specified period” means such period for the respective purposes of paragraphs (a) and (b) as may be specified by Crown Court rules and the rules may make different provision for different places of trial or for other different circumstances;
- (ii) the trial shall be deemed to begin when the defendant is arraigned.

- (6) Directions under subsection (2) may be given on behalf of the Crown Court by an officer of the Crown Court, but the power to make orders conferred on the Crown Court by subsection (5)(b) shall be exercisable only by a judge of the court.

[<sup>F10</sup>(6A) Where a preparatory hearing has been ordered under Article 6 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, directions altering the place of trial may be given under subsection (2) at any time before [<sup>F11</sup>the time when the jury are sworn].]

[<sup>F12</sup>(6B) The reference in subsection (6A) to the time when the jury are sworn includes the time when the jury would be sworn but for—

- (a) the making of an order under Part 7 of the Criminal Justice Act 2003, or
- (b) the application of [<sup>F13</sup>section 5 of the Justice and Security (Northern Ireland) Act 2007] .]

#### Textual Amendments

- F1** Words in s. 48(1)(c) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 25**; S. I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
- F2** Words inserted by S.I. 1988/1846 (N.I. 16), art. 12, **Sch. para. 4(1)(a)**
- F3** S. 48(2) amended (8.4.1996) by S.I. 1995/757 (N.I. 3), art. 6(1), **Sch. 2**, para. 7(a); S.R. 1996/122, **art.2**
- F4** Words substituted by S.I. 1988/1846 (N.I. 16), art. 12, **Sch. para. 4(1)(b)**
- F5** S. 48(3) amended (8.4.1996) by S.I. 1995/757 (N.I. 3), art. 6(1), **Sch. 2**, para. 7(b); S.R. 1996/122, **art. 2**
- F6** S. 48(4) repealed (1.5.2004) by Courts Act 2003 (c. 39), ss. 104, 109(3), 110(1), **Sch. 10**; S.I. 2004/1104, **art. 3(f)**
- F7** Words inserted by S.I. 1988/1846 (N.I. 16), art. 12, **Sch. para. 4(1)(c)**
- F8** S. 48(5)(a) amended (8.4.1996) by S.I. 1995/757 (N.I. 3), art. 6(1), **Sch. 2**, para. 7(c); S.R. 1996/122, **art.2**
- F9** S. 48(5)(b) amended (8.4.1996) by S.I. 1995/757 (N.I. 3), art. 6(1), **Sch. 2**, para. 7(c); S.R. 1996/122, **art. 2**
- F10** S. 48(6A) inserted by S.I. 1988/1846 (N.I. 16), art. 12, **Sch. para. 4(1)(d)**

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- F11** Words in s. 48(6A) substituted (24.7.2006 for E.W. and 8.1.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336\(3\), 337\(7\)\(g\), Sch. 36 para. 45\(2\)](#); S.I. 2006/1835, [art. 2\(h\)](#) (subject to art. 3); S.I. 2006/3422, [art. 2\(c\)\(i\)](#)
- F12** S. 48(6B) inserted (24.7.2006 for E.W. and 8.1.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336\(3\), 337\(7\)\(g\), Sch. 36 para. 45\(3\)](#); S.I. 2006/1835, [art. 2\(h\)](#) (subject to art. 3); S.I. 2006/3422, [art. 2\(c\)\(i\)](#)
- F13** Words in s. 48(6B)(b) substituted (1.8.2007) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336\(3\), 337\(7\)\(g\), Sch. 36 Pt. 4 para. 45\(1\)\(2\)](#) (as amended by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 8, 53, Sch. 1 para. 4](#); S.I. 2007/2045, [art. 2\(2\)\(3\)\(h\)\(q\)](#) (with art. 3); with saving (N.I.) (at the end of 31.7.2007) by [The Terrorism \(Northern Ireland\) Act 2006 \(Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2259\), art. 2](#))

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**Modifications etc. (not altering text)**

- C1** S. 48 amended by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5, SIF 39:1\), s. 6](#)  
S. 48 extended (27.8.1991) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 24, SIF 39:1\), ss. 9\(2\), 69\(1\)](#)
- C2** S. 48 extended (25.8.1996) by [1996 c. 22, ss. 10\(2\), 62\(1\)](#) (with s. 62(2))  
S. 48 applied (N.I.) (19.2.2001) by [2000 c. 11, ss. 74\(2\), 128](#) (with s. 113(1)); S.I. 2001/421, [art. 2](#) (with art. 3)
- C3** S. 48 applied (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 4\(3\), 53](#); S.I. 2007/2045, [art. 2\(2\)\(3\)\(d\)](#) (with art. 3)

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**Changes and effects yet to be applied to :**

- s. 48(1)(c) words substituted by [2002 c. 26 Sch. 5 para. 6](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)